

**REMARKS**

Claims 1-15 and 21-42 are pending in this application. Claims 1 and 12-15 are independent claims. Claims 1, 5-8, 10-15, 23-25, 28-30, 33-35, and 38-40 are amended and claims 16-20 were previously cancelled.

**Rejections Under 35 U.S.C. § 101**

Claims 1-11 are rejected under 35 U.S.C. 101 because the claim invention is allegedly directed to non-statutory subject matter. The Applicant does not agree that claims 1-11 are directed to non-statutory subject matter. However, to forward prosecution, the Applicant has amended claim 1. Because claims 2-11 are dependent ultimately upon claim 1, they are also amended thereby. The Applicant requests that the rejections to claim 1 be removed.

**Rejections Under 35 U.S.C. § 103**

Claims 1-15 and 21-42 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,734,788 to Nonomura et al. ("Nonomura") in view of U.S. Patent 7,236,687 to Kato et al. ("Kato"). The Applicant respectfully traverses this rejection.

According to the new Examination Guidelines for Determining Obviousness under 35 U.S.C. § 103 in view of the Supreme Court decision of *KSR International, Co. v. Teleflex, Inc.* it is stated that the proper analysis for a determination of obviousness is whether the claimed invention would have been obvious to one of ordinary skill in the art after consideration of all the facts. The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reasons why the claimed invention would have been obvious. An Office Action must explain why the differences between

the prior art and the claimed invention would have been obvious to one of ordinary skill in the art. See 72 Fed. Reg. 57526, 57528-529 (Oct. 10, 2007).

The Applicant asserts that neither Nonomura nor Kato, either separately or in combination, teach or suggest all of the limitations set forth in the claims, nor has there been a clear articulation made of why the differences between the prior art and the claims would have been obvious to one of ordinary skill in the art. The combination of Nonomura and Kato does not teach or suggest at least two of the limitations set forth in the claims.

First, independent claim 1 recites a computer readable medium having a data structure for managing random/shuffle reproduction of video data including, among other things, "a management area storing at least one title management information file, including at least one segment, the segment launching the playlist file by using a command indicating the playlist file, the title management information file being separate from the playlist file." On pages 3 and 4 of the Office Action the management area recited in claim 1 is acknowledged to be not described in Nonomura.

The Office Action recites FIG. 27 of Kato in an attempt to cure the insufficiencies of Nonomura with respect to the management area. However, the Applicant respectfully asserts that FIG. 27 of Kato whether taken separately or in combination with Nonomura does not teach suggest or otherwise render obvious the above-quoted portion of claim 1. For example, as shown in FIG. 27 of Kato, the syntax of the `UIAppInfoPlayList()` is illustrated as included in a playlist itself. FIG. 27 is different from the segment described in claim 1 because the segment as described in claim 1 is included in the title management file which is separate from the playlist file. The segment launches the playlist file by using a command.

In contrast, Kato shows the syntax of the `UIAppInfoPlayList()` included in the actual playlist itself. For at least this reason the Applicant respectfully asserts that FIG. 27 of Kato does not teach suggest or otherwise render obvious the above quoted portion of claim 1.

The Applicant respectfully asserts that Nonomura in view of Kato does not teach or suggest another element set forth in claim 1. For example, claim 1 also recites "wherein the playitem is a unit to be randomized or shuffled during random/shuffle reproduction." On pages 3-5, the Office Action concedes that Nonomura does not teach, suggest, or otherwise render obvious this feature, and the Office Action recites col. 8, lns. 23+ of Kato in an attempt to cure this insufficiency of Nonomura. However, the reliance on Kato to cure the insufficiencies of Nonomura is based on a misreading of Kato. A careful reading of col. 8 starting at lns. 23+ of Kato indicates that Kato is simply describing determining a readout position according to a random access playback instruction. Kato does not disclose a random/shuffle reproduction and associated with a playitem. For at least these reasons the Applicant respectfully asserts that neither Nonomura nor Kato, either separately or in combination, teach, suggest or otherwise render obvious the above quoted portion of claim 1. Therefore, the Applicant respectfully requests that the rejections of claim 1 and its dependent claims 2-11 be removed.

The Applicant notes that the other independent claims, claims 12, 13, 14, and 15, recite language similar to that quoted above with respect to claim 1 and respectfully asserts that these independent claims as well as their dependent claims are patentable over the combination of Nonomura and Kato for at least some of the reasons set forth above with respect to claim 1. Therefore, the Applicant respectfully

requests that the rejections under 35 U.S.C. 103(a) of claims 1-15 and 21-42 be removed.

**Request for Interview**

The Applicant's representative respectfully requests an interview with the Examiner to discuss the merits of this application. The Examiner is requested to contact Alan Larson, Reg. No. 53,184 at (703) 668-8069 or the undersigned to schedule an interview.

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**CONCLUSION**

In view of the above remarks and amendments, Applicants respectfully submit that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,  
HARNESS, DICKEY, & PIERCE, P.L.C.

By



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